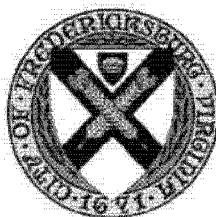


**Beverly R. Cameron**  
City Manager



City of Fredericksburg  
P.O. Box 7447  
Fredericksburg, VA 22404-7447  
Telephone: 540 372-1010  
Fax: 540 372-1201

November 8, 2010

Submitted Online ([www.regulations.gov](http://www.regulations.gov))  
Water Docket  
Environmental Protection Agency  
Mailcode: 28221T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

**Submitted by Email ([vabaytmdl@dc.virginia.gov](mailto:vabaytmdl@dc.virginia.gov))**  
Department of Conservation and Recreation  
Commonwealth of Virginia  
203 Governor Street  
Richmond, VA 23219

**Re: EPA Water Docket ID No. EPA-R03-OW-2010-0736, Draft Total Maximum Daily Load ("TMDL") for the Chesapeake Bay; and Virginia Chesapeake Bay Watershed Implementation Plan ("WIP")**

To Whom It May Concern:

Thank you for the opportunity to comment on EPA's Draft TMDL for the Chesapeake Bay and Virginia's WIP.

The City of Fredericksburg owns and operates a municipal wastewater treatment plant ("WWTP") that cleans and discharges highly-treated wastewater within the Chesapeake Bay watershed pursuant to a state-issued National Pollutant Discharge Elimination System ("NPDES") permit. The City also operates a municipal separate stormwater sewer system ("MS4") that discharges stormwater within the Chesapeake Bay watershed pursuant to a state-issued NPDES permit.

The City has significant concerns with EPA's Draft TMDL and objects to EPA's threatened "backstop" actions against WWTP, MS4 and other permit holders. EPA currently proposes to cut Virginia's stringent nutrient wasteload allocations ("WLAs") currently set forth in Virginia's EPA-approved Water Quality Management Planning Regulation, 9VAC25-720, and Chesapeake Bay Watershed General Permit Regulation, 9VAC25-820 (collectively, the "Virginia Regulations"). EPA also threatens to cut WWTP allocations further to so-called "full backstop" levels, which would decrease the concentration basis further (3 mg/L TN and 0.1 mg/L TP at design flow) and possibly even the flow basis to past flow levels (2007 to 2009 average flow rather than design flow). This would reflect an unfair, punitive action by EPA that would do little to advance the Bay cleanup, which necessarily depends on major nonpoint source reductions

because the Bay is nonpoint source dominated system with roughly 80 percent of the nutrient load attributable to nonpoint sources.

EPA is considering these potential cuts under a new EPA guidance letter on "reasonable assurance" and EPA's initial view that Virginia has given inadequate assurance that nonpoint sources (*e.g.*, agricultural sources) will reduce their nutrient loads according to plan. We disagree with EPA's initial view given Virginia's good track record of achieving nonpoint reductions. We also question whether EPA's unpromulgated reasonable assurance guidance is even legal given that operates as if EPA's previously proposed but withdrawn reasonable assurance regulation had actually been put into effect.

We understand that the Draft TMDL is fundamentally and materially flawed. These deficiencies are thoroughly documented in the comments of the Virginia Association of Municipal Wastewater Agencies, Inc. ("VAMWA"), the Rappahannock River Basin Commission ("RRBC") and the Virginia Municipal Stormwater Association ("VAMSA"). We request that EPA fully consider and address all of VAMWA's the RRBC's and VAMSA's comments, which we generally support and hereby incorporate by reference as if fully set forth herein.

In closing, what is distinctly missing from EPA's Draft TMDL is any appreciation for the major commitments very recently made by EPA and Virginia (the State's adoption and EPA's approval of the Virginia Regulations in 2005 and 2007) and the major financial commitments that local governments have made to implement those requirements including incurring significant public debt (typically with 20 to 30 year repayment terms) and constructing major new facilities (typically built to last 20 to 30 years). As an organization with a demonstrable commitment to water quality, we object to the waste inherent in EPA's threatened override of the Virginia Regulations and the Virginia WIP through the Draft TMDL and its elements that relate to our WLAs and the proposed non point source load allocations.

For further information, please don't hesitate to contact me at 540-372-1010.

Sincerely,



Beverly R. Cameron  
City Manager

c: Mr. Alan Pollock, VA DEQ (alan.pollock@deq.virginia.gov)  
Mr. Russ Perkinson, VA DCR (russ.perkinson@dcr.virginia.gov)  
Fredericksburg City Council members  
Doug Fawcett, Director of Public Works  
Kevin Utt, Site Development Manager